



July 5, 2023

**VIA ECF**

The Honorable Louis L. Stanton  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl St., New York, NY 10007-1312

Re: *Lynne Freeman v. Tracy Deeks-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Stanton:

Defendants write pursuant to Rule 3.B of Your Honor's Individual Practices regarding filing redacted documents under seal and in connection with the parties' Protective Order (ECF No. 50) and the Second Circuit's opinion in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Defendants filed under seal their Opposition to Plaintiff's Motion for Reconsideration and Exhibits A and B thereto, which are excerpts of the deposition transcripts of Plaintiff and her husband (Trent Baer), respectively, and are designated Confidential. The proposed redactions are highlighted in the sealed copies of these filings.

In an effort to avoid filing under seal, Defendants contacted Plaintiff's counsel to ask whether Plaintiff would consent to filing Exhibits A and B publicly without redactions, but the parties did not reach an agreement. Defendants proposed filing page 208 of Plaintiff's deposition transcript and pages 11-13 of Mr. Baer's transcript publicly, with only the personal information in page/lines 11:6, 11:8, 11:17, 11:25, and 12:1 redacted. Plaintiff requested additional redactions in Mr. Baer's transcript and further requested that the nature of her counsel's compensation not be made public, arguing that all of this is confidential. Defendants do not believe that any of this information can be fairly characterized as confidential, and note that these materials are provided to rebut claims made in Plaintiff's declaration, publicly filed as ECF No. 226. However, Defendants have filed the transcripts and a corresponding portion of their brief with redactions to respect Plaintiff's wishes and avoid being accused of violating the Protective Order. Defendants would not object to unsealing any of the redacted content in their July 5, 2023 filing.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

By: /s/ Benjamin S. Halperin

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